

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-13 are pending. Claims 1, 2, 6, 7, and 11 are amended, and claims 12 and 13 are added. Claims 1, 6, and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized the Applicants' claim for foreign priority.

Acknowledgement of Information Disclosure Statement

It is gratefully acknowledged that the Examiner has not acknowledged the Information Disclosure Statements filed on December 23, 1999, and December 19, 2002.

Amendments to the Specification/Abstract of the Disclosure

The Abstract of the Disclosure is amended herein to address the Examiner's objection.

Amendments to the Drawings

The drawings have been amended in order to comply with the requirements stated on the PTO-948 form. Six sheets of corrected formal drawings are attached. The Examiner is

respectfully requested to indicate the suitability of the amended drawings in the next official action.

Rejections Under 35 U.S.C. §103(a)

Claims 1-3, 6-8, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allman et al. (UK Patent Application, GB 2,103,043) in view of McMahon (US Patent No. 6,908,168).

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al. in view of McMahon, as applied to claims 3 and 8 above, and further in view of Schwerer (German Patent Application DE 4,233,721).

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al., in view of McMahon et al. as applied to claims 3 and 8 above, and further in view of Atsuyoshi et al. (JP 04-362613).

These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claims 1 and 6 are amended herein to recite combinations of elements in a vehicle communication apparatus, including a cabinet having a lateral dimension substantially greater than a height dimension disposed along a rear surface of a handlebar of the vehicle in a position adjacent to a grip, the cabinet housing a communication module, the communication operating means being disposed on a lateral end of the cabinet adjacent to the grip.

In addition, independent claim 11 is amended herein to recite a combination of elements in a vehicle communication apparatus, including a cabinet having a shape that is substantially rectangular disposed along a section of a rear surface of a handlebar adjacent to a grip, the cabinet housing the vehicle body side transmitter/receiver, a visual display, and communication operating means, the communication operation means being disposed on a lateral end of the cabinet adjacent to the grip.

Support for a cabinet 16a having a lateral dimension substantially greater than a height dimension disposed along a rear surface of a handlebar of the vehicle in a position adjacent to a grip 12, the cabinet housing a communication module 16, the communication operating means 21, 22, 23, being disposed on a lateral end of the cabinet 16a adjacent to the grip 12, can be found in the specification, for example on page 5, line 18, to page 6, line 3. See also FIG. 3.

Applicants respectfully submit that the combinations of elements as set forth in independent claim 1, 6, and 11 are not disclosed or made obvious by the prior art of record, including Allman et al., McMahon, Schwerer, and Atsuyoshi et al.

Applicants respectfully submit that none of the documents cited by the Examiner discloses a cabinet having a lateral dimension substantially greater than a height dimension disposed along a rear surface of a handlebar of the vehicle in a position adjacent to a grip, the cabinet housing a communication module, the communication operating means being disposed on a lateral end of the cabinet adjacent to the grip (as set forth in independent claims 1 and 6 of the present invention), or a cabinet having a shape that is substantially rectangular disposed along a section of a rear surface of a handlebar adjacent to a grip, the cabinet housing the

vehicle body side transmitter/receiver, a visual display, and communication operating means, the communication operation means being disposed on a lateral end of the cabinet adjacent to the grip (as set forth in independent claim 11 of the present invention).

Applicants respectfully submit that the combinations of elements as set forth in independent claims 1, 6, 11 are not disclosed or made obvious by the prior art of record, including Allman et al., McMahon, Schwerer, and Atsuyoshi et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, claims 1, 6, and 11 are in condition for allowance.

The Examiner will note that claim 12 and 13 are added to set forth additional novel features of the present invention. Dependent claims 2-5, 7-10 and 12-13 are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Application No. 09/471,189
Amendment dated December 24, 2003
Reply to Office Action of September 25, 2003

Docket No. 0505-0590P
Page 13 of 14

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #42,593
for James M. Slattery
Reg. No. 28,380

0505-0590P

JMS:CTT:jls

Attachments: Revised Abstract of the Disclosure
Six (6) sheets of revised formal drawings

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Abstract of the Disclosure (Revised)

A vehicular communication apparatus including a helmet worn by a passenger of a vehicle, the helmet having a speaker, a microphone, and a helmet side infrared transmitter/receiver connected to the speaker and the microphone. The vehicle body side or helmet side is provided with a transmitter/receiver for carrying out infrared communication with the helmet side infrared transmitter/receiver. A wireless communication means is connected to the vehicle body side infrared ray transmitter/receiver and arranged with communication operating means separately from the wireless communication means at a location providing simple operation by an operator of the vehicle.